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IN THE SUPREME COURT FOR THE STATE OF ALASKA

KELLY A. DICKSON, TRUSTEE OF  
"THE KELLY A. DICKSON 2008  
TRUST," and DONNA C. DEFUSCO,

Appellants,

v.

STATE OF ALASKA,  
DEPARTMENT OF NATURAL  
RESOURCES and also all other  
persons or parties unknown claiming  
a right, title, estate, lien, or interest in  
the real estate described in this  
action,

Appellee.

Trial Court No. 3AN-12-07260CI

Supreme Court No. S-17620

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STATE OF ALASKA

JOINT NOTICE OF CORRECTION TO EXECUTIVE EXCERPT OF RECORD

The parties jointly file this notice to correct an error made in the Executive  
Excerpt filed June 8, 2020. Attached is the correct page EXC, Page 904 to replace the  
duplicate page EXC, Page 902 that was mistakenly placed between pages 903 and 905.

DATED October 14, 2020.

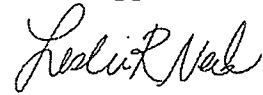
CLYDE "ED" SNIFFEN, JR.  
ACTING ATTORNEY GENERAL

By: /s/ Cheryl R. Brooking  
Cheryl R. Brooking  
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LANDYE BENNETT BLUMSTEIN LLP  
Attorney for Appellants



By:

Leslie R. Need  
Alaska Bar No. 0712113

The findings of fact and conclusions of law entered in this case further support the contention that a quiet title action addressing a R.S. 2477 will produce highly case-specific results. The court does not find that any portion of the fifty-seven page findings of fact obviously addresses the location of the R.S. 2477 as it relates to any neighboring properties.<sup>23</sup> The findings solely address the existence of the route as it pertains to Plaintiffs property and the general direction it traverses throughout the state. This is not to say that in no way could the findings be used to give the State bargaining power against neighboring landowners in or outside of court. However, the record does not reflect that this case set the level of factual precedent the Plaintiffs insist exists here.

Neither did this case address issues that were precedent-setting in the area of R.S. 2477 law. The issues litigated at trial and addressed on appeal required an application of existing law to the facts of this case.<sup>24</sup> Absent were issues of first impression or law-changing questions, like those addressing a burden of proof, a legal definition, or the constitutionality of a statute. Again, by prevailing, the State gained a judgment setting forth rights regarding this parcel of land.

Furthermore, there is no evidence in the record that the State would have litigated this case whether or not the Plaintiffs initiated it. The State responded to the myriad of issues put into contention in a thorough and competent manner. The State's response was a proportionate and relevant defense to the action the Plaintiffs filed based on the burden it carried. The court does not agree that the Plaintiffs believed they were initiating a simple quiet title action and received a

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<sup>23</sup> August 29, 2016 Amended Final Judgment at 4; June 14, 2016 Findings of Fact and Conclusions of Law at 4, 6, 9, 16.

<sup>24</sup> Public Land Order 601, 14 Fed. Reg. 5048, 5048-49 (August 10, 1949), and Department Order 2665, 16 Fed. Reg. 10,732 (October 16, 1951) (addressing the question of 100-foot widths for local roads); *Dillingham Commercial Co. v. City of Dillingham*, 705 P.2d 410, 415 (Alaska 1985) (citing *Albee v. Town of Tarrow Point*, 74 Wash.2d 453, 445 P.2d 340, 344 (1968)) (addressing the concept of public travel).

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CERTIFICATE OF SERVICE

I certify that on this date true and correct copies of the **Joint Notice of**  
**Correction to Executive Excerpt of Record, Executive Excerpt P. 904,** and this  
**Certificate of Service** were served via Email on the following:

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Suzanne N. Marsh  
Law Office Assistant

10/14/2020

Date